

Announcements.

DAKIN BROS. OF CHINA, LIMITED, CHEMISTS.

XMAS SEASON.

WE beg to invite attention to our stock of articles suitable for CHRISTMAS AND NEW YEAR GIFTS. Toilet Fittings in Crystal and Silver. Liqueur Stands. Smokers Cabinets, &c.

CONFECTIONERY.

English, American and French Bon Bobs and Crackers.

WINES AND SPIRITS.

All well matured and of English quality. MANILA CIGARS AND CHEROOTS. Manufactured expressly for us by La Constancia Factory.

DAKIN BROS. OF CHINA, LIMITED, LONDON-HONGKONG-AMOI.

(Telephone No. 60.)

Hongkong, 16th December, 1889.

WINES AND SPIRITS.



BY APPOINTMENT.

A. S. WATSON & CO., LD. (ESTABLISHED A.D. 1841.) HONGKONG.

WE invite attention to the following old brandy, all of which are of excellent quality and good value for the money. The same being specially selected by our London House, and bought direct from the most noted Shippers, are imported in wood and bottled by ourselves, thus enabling us to supply the best goods at moderate prices.

In ordering it is only necessary to state the name and quantity of Wine or Spirit wanted, and initial letter for quality desired.

Orders through Local Post or by Telegram receive prompt attention.

PORTS. (For Invalids and general use.)

| | Per Case. | Per Bottle. |
|---|-----------|-------------|
| A. Alto Douro, good quality, Green Capsule | \$10 | \$1.00 |
| B. Vintage, Superior quality, Red Capsule | 12 | 1.10 |
| C. Fine Old Vintage, superior quality, Black Seal Capsule | 14 | 1.25 |
| D. Very Fine Old Vintage, extra superior, Violet Capsule (Old Bottled) | 18 | 1.50 |
| SHERIES | | |
| A. Delicate Pale Dry, dinner wine, Green Capsule | 6 | 0.60 |
| B. Superior Pale Dry, dinner wine, Green Seal Capsule | 7.50 | 0.75 |
| C. Manzaniola, Pale Natural Sherry, White Capsule | 10 | 1.00 |
| CC. Superior Old Dry, Pale Natural Sherry, Red Seal Capsule | 10 | 1.00 |
| D. Very Superior Old Pale Dry, choice old Wine, White Seal Capsule | | |
| E. Extra Superior Old Pale Dry, very finest quality, Black Seal Capsule (Old Bottled) | 14 | 1.25 |

CLARETS.

| | | |
|---|------|--------|
| A. Superior Breakfast Claret, Red Capsule | \$4 | \$4.50 |
| B. St. Estephe, Red Capsule | 4.50 | 5.00 |
| C. St. Julien | 7 | 7.50 |
| D. La Rose | 11 | 12.00 |

BRANDY.

| | | |
|---|------|--------|
| A. Hennessy's Old Pale, Red Capsule | \$12 | \$1.10 |
| B. Superior Very Old Cognac, Red Capsule | 14 | 1.25 |
| C. Very Old Liqueur Cognac, Red Capsule | 18 | 1.50 |
| D. Hennessy's Finest Very Old Liqueur Cognac, 1872 Vintage, Red Capsule | 24 | 2.00 |

SCOTCH WHISKY.

| | | |
|---|----|------|
| A. Thorne's Blend, White Capsule | 8 | 0.75 |
| B. Watson's Glenorchy Mellow Blend, Blue Capsule with Name and Trade Mark | 8 | 0.75 |
| C. Watson's Aboulo-Glenlivet, Red Capsule, with Name and Trade Mark | 8 | 0.75 |
| D. Watson's H. K. D. Blend of the Finest Scotch Malt Whiskies, Violet Capsule | 10 | 1.00 |
| E. Watson's Very Old Liqueur Scotch Whisky, Gold Capsule | 12 | 1.10 |

IRISH WHISKY.

| | | |
|---|----|------|
| A. John Jameson's Old, Green Capsule | 8 | 0.75 |
| B. John Jameson's Fine Old, Green Capsule | 10 | 1.00 |
| C. John Jameson's Very Fine Old, Green Capsule | 12 | 1.10 |
| D. GUINNESS BOURBON WHISKY, Green Old, Red Capsule, with Name | 10 | 1.00 |

GIN.

| | | |
|------------------------------------|------|------|
| A. Fine Old Tom, White Capsule | 4.50 | 0.40 |
| B. Fine Unsweetened, White Capsule | 4.50 | 0.40 |
| C. Fine A. V. H. Geneva | 5.25 | 0.50 |

RUM.

| | | |
|---|----|------|
| Finest Old Jamaica, Violet Capsule | 12 | 1.00 |
| Good Lecward Island, \$1.50 per Gallon. | | |

LIQUEURS.

| | |
|-------------|-------------------------------------|
| Benedictine | Maraschino |
| Curacao | Herrings Cherry Cordial |
| Chartreuse | Dr. Sieger's Angostura Bitters, &c. |

NOTICES TO CORRESPONDENTS.

It is requested that all communications relating to Subscriptions, Advertisements, &c., be addressed to the "Manager, Hongkong Telegraph," and not to the Editor. Letters on Editorial matters to be sent to "The Editor" and not to individual members of the staff. Communications intended for publication must be accompanied by the name and address of the writer, not necessarily for publication, but as evidence of good faith. While the columns of the Hongkong Telegraph will always be open for the free discussion by correspondents of all questions affecting public interests, it must be distinctly understood that the Editor does not in any way hold himself responsible for opinions thus expressed.

TO ADVERTISERS.

Advertisers are requested to forward all notices intended for insertion in this paper, not later than Three o'clock, so as not to retard the early publication of the paper. Advertisements and Subscriptions which are not ordered for a fixed period will be continued until cancelled.

THE HONGKONG TELEGRAPH.

The Hongkong Telegraph has the largest circulation of any English newspaper published in the East, and is therefore the best medium for Advertising. Terms can be learnt on application. The Hongkong Telegraph's number at the Telephone Central Exchange is No. 1.

TO SUBSCRIBERS.

Subscriptions to the Hongkong Telegraph are payable in advance.

The Hongkong Telegraph

HONGKONG, SATURDAY, DECEMBER 21, 1889.

It has been such a dangerous and uncertain experiment reporting the transactions in the local Share Market lately that we have severely left it alone. Nor can we see our way to recommence our regular daily reports until matters have been placed on a somewhat more reliable basis than at present is the case. Last Saturday "Panjoms" were quoted at 21, on Monday business was done at as high as 30, and to-day shares are reported to have changed hands at about 18. And yet, as a matter of fact, the stock ought to occupy a better position now than it did after the "boom" that was credited to certain telegram from San Francisco. That a bond fide inquiry for the purchase of a portion of the Company's concession has been made by some Californian speculators is positively certain—unless a gigantic fraud has been perpetrated, in which local operators must be involved—and it would appear that in almost every respect the shareholders' prospects have improved. If they have not been materially enhanced, then appearances must lie. The alleged cause of the latest—not the last but many—depression is commonly attributed to the fact that the Directors here, desirous to know how matters were proceeding in London, wired to Mr. Becker, the Company's manager, (who is now having "a good time in the Modern Babylon" inquiring when the arrangements with the respective Syndicates who had tendered for certain portions of the Pahang property, would be completed. The reply to this inquiry, we understand, was in effect that nothing could possibly be finally settled until about a month hence. To those who know anything of London share business this ought to be a most satisfactory reply, as it is perfectly well known that about Christmas and New Year's times in "the old country" almost everything in the share business line is neglected. And in view of this article of common knowledge, it is not out of place to inquire why did the Directors of the Panjom Company think fit to waste money in a foolish telegram, the answer to which was inevitable? Of course nothing can be done until the middle of January, but by that time, unless the alleged "firm offers" of the London Syndicates were a delusion and a snare, one at least of the proposed new companies in London should be fairly on its legs. In any case, if the rise in the market value of Panjom scrip the other day had certainly appeared to be not the slightest justification for the significant "drop" this morning. In fact, the telegram received by the Directors, which is alleged to be the cause of the reaction, ought to have strengthened the position of the stock instead of having a contrary effect. Who are "bearing" Panjoms, and what is the main object in view? If any expert can enlighten the public we shall be glad to freely place our columns at his disposal.

TELEGRAMS.

THE KAISER SPEAKS.

London, December 19th. The Emperor of Germany at a banquet at Frankfurt, said that his whole endeavour is to make Germany powerful and respected, and that he quite sees the value of the fruits of peace, which he will strive to preserve.

[What first-class waddle is Germany not powerful now? is the loudly vaunted first military nation in the world not respected? The "fruits of peace" can only be maintained in the Fatherland by bayonets and cannon, and nobody knows that better than the Kaiser.—Ed., H.K. Telegraph]

GENERAL "ACTIVITY."

December 17th. Lieut.-General W. G. Cameron, late in command in Hongkong, replaces General Sir L. Smyth at the Cape.

(Havas Agency.)

THE EX-EMPEROR OF BRAZIL. PARIS, December 17th. Dom Pedro, ex-Emperor of Brazil, has arrived at Lisbon.

LOCAL AND GENERAL.

OUR complete report of the Regatta is unavoidably held over.

The silk of City of Sydney hence Oct. 12th and from Yokohama Oct. 22nd, were delivered at New York on the 17th inst.

THE Shanghai Mercury publishes a telegram from Seoul (Korea) dated the 14th inst., which states that high treason has been discovered. No particulars are given.

FOR the present cold weather, a fine selection of Saxony Tweeds, suitable for Ulsters, Overcoats and Suits, is now being shown by The Hall & Holtz Co., Limited.—Adv.

THE Fraser-Smith-Brandt libel prosecution will be found fully reported in another part of this issue. People are asking what the decision really means, and why the prosecutor was such a "galoot" as not to ask the four Germans on the jury, who manufactured the most extraordinary verdict on local record, to "stand aside."

A REGULAR meeting of Victoria Lodge, No. 1026, will be held in Freemasons' Hall, Zetland Street, this evening, at 8.30 for 9 o'clock precisely. Visiting brethren are cordially invited.

LATEST advices from Tientsin state that the Pehlo river was frozen over, which doubtless means that the Northern Ports of China are a sealed book for some months to come.

MESSRS. Adamson, Bell & Co., agents for the Canadian-Pacific Line, inform us that the steamship *Bahia*, from Vancouver, arrived at Yokohama yesterday, and left for this port to-day.

THE annual Regatta Dinner held last night at the Hongkong Hotel proved a great success. On dit that the "breakages" were the highest on record. Well, it's a poor heart that never rejoices.

TO-MORROW morning between 9 and 10.30 o'clock the steam-launch carrying the Bethel flag will call alongside any vessel holding a pennant C, to convey men ashore to 11 a.m. service at St. Peter's Seamen's Church, returning about 12.30.

THE agents (Messrs. Melchers & Co.) inform us that the Norddeutscher Lloyd's steamship *Bayern*, with the German mails, dated Berlin 26th ult., left Singapore for this port at daylight to-day, and may be expected on or about Thursday, the 26th inst.

THE winners at the Hankow races, held on the 12th and 13th inst., will be found in another column. It will be observed that Mr. Nicholas' ponies, ridden by Mr. F. Dallas, the well known Shanghai jockey, carried all before them, winning ten out of fourteen races.

THREE owners of licensed cargo boats were up before Mr. H. E. Wodehouse at the Police Court this morning on the charge of sailing their boats across the Regatta course yesterday. The defendants pleaded ignorance, but the Magistrate fined them two dollars each, or seven days' imprisonment. The fines were paid.

A LUTTER from Amoy regarding the report of a row that recently took place there, is personal abuse of the most pronounced type. We are quite willing to admit the writer's "all good faith," which he specially claims, and he will win his own name instead of *nom de plume* at the end of his letter we shall find room for it in our columns—but not otherwise.

TERSTRAK, the talented Hungarian composer and flautist, who has been performing in Shanghai recently with great success, will shortly pay a visit to this colony, and in company with his niece, a pianist of great eminence, will probably give a series of musical recitals. A reliable correspondent in Shanghai informs us that they are artists of the very highest class.

We are requested to state that the Committee of the Lorne Athletic Club of the Argyll and Sutherland Highlanders have forwarded donations from the proceeds of the late entertainments at the Theatre Royal, City Hall, to the following:

The Soldiers' Wives' Hospital
The Soldiers' and Sailors' Institute
The Hongkong Benevolent Society
The Victoria Home and Orphanage, and
The Magistrates' Poor Box

THE steersmen of the steam-launches *Hing Ma*, *Ubiquo*, and *Pedro*, were summoned this morning at the Police Court at the instance of Inspector Corcoran, on the charge of obstructing the Regatta Course, on the 19th December, and steaming between the buoys, against police regulations. It was proved that the boats were 400 yards apart, and had flags on them to mark the course. After hearing the evidence of Police Sergeant Watkins, showing that the steam-launches followed close on to the racing boats, thereby putting them in danger of being swamped, and otherwise obstructing the Course, his Worship remanded the case until Friday next.

SAYS our Shanghai morning contemporary:—"We hear that the Nippon Yusen Kaisha have it in contemplation to make Kobe, instead of Yokohama, the terminus of their Shanghai service, which would then be carried on by two steamers. From Kobe the Company runs almost a daily steamer to Yokohama. The only disadvantage to passengers between China and Yokohama will be that they will have to change steamers at Kobe, and this seems likely to play into the hands of the Tokaido railway, as passengers who had that they have to change any way are very likely to decide to go on by rail, while they would remain on the steamer if the went right through."

MANY members of the Hongkong Jockey Club are vigorously protesting against a person who, it is notorious, was ignominiously turned out of the Shanghai Race Club for alleged fraudulent practices, from impudently intruding his unwelcome presence in the private enclosure of the Jockey Club. We are informed that this person has been unofficially warned to keep outside, but that he has so far ignored that warning. The services of the official "chucker-out" will not be requisitioned on this occasion. A formal application to the Stewards of the Jockey Club will be made on Monday, and if that is not effectual, a public meeting of members will be convened to decide whether persons of objectionable character, who are not members, are to be permitted in the stand and enclosure.

THE present powers that be in Peking, seem determined to curtail as far as possible the pomp and ceremonial which the Viceroy and Governors of provinces have always been so fond of surrounding themselves with. It was only the other day that our late neighbour, Viceroy Chang Chih-tung, got hauled over the coals for taking with him to his new vice-royalty in the Hu Kuang a special body-guard of Cantonese "braves," and now the Viceroy of Yunnan has laid himself open to similar censure. In the *Peking Gazette* of the 18th ult. we find the following:—"The new Viceroy, proceeding to Yunnan reports that he is taking with him a body-guard of two hundred men. As the province is tranquil and the army at its full strength, the Emperor cannot see any need for this additional force. Indeed the Yunnan authorities have just obtained permission to reduce the strength of the army, thereby weeding out the less efficient men. Any accession to its numbers is, therefore, particularly unreasonable." Just now, the Viceroy is desired to send back the said body-guard to Hunan without loss of time. It appears, to our limited vision of Chinese affairs, that the young Emperor is acting with discretion beyond his years. The cancellation of the arbitrary and autocratic powers hitherto exercised by the great provincial satraps of the Chinese Empire is the most notable reform in the internal government of the country during the present generation. Were the benefit of influence of the Mandarins properly held in check the country would go on and prosper.

THE HONGKONG HIGH LEVEL TRAMWAY CO.

The fifth ordinary general meeting of the shareholders of the above-named Company was held at the Hongkong Hotel this forenoon, to receive the report of the general managers (Messrs. MacEwen, Frickel and Co.) and the statement of accounts for the year ended 30th November 1889. There was but a slim attendance—not more than half-a-dozen shareholders.

The Chairman, Mr. Sonnaville, stated that the receipts for the twelve months ending 30th November last amounted to \$20,930.35, which, but for the great rainstorm in May damaging the line, would have been some \$7,000 more. The receipts were increasing and the prospects of the Company good, considering the amount of building that was now going on at the Peak. He suggested that the \$20,874.98 due to the general managers from the Company should be paid off by increasing the capital of the company.

The consulting committee, consisting of the Hon. P. Ryrie and Messrs. J. Anderson and B. Lydon, were re-elected as well as the Auditor, Mr. R. Lyall, and the proceedings terminated.

THE LIBEL ON AN EDITOR.

FRASER-SMITH v. BRANDT.

A Calumnious Victory.

The Supreme Court was an attraction to a considerable number of citizens yesterday during the prolonged hearing of the criminal prosecution of Oscar Brandt, described as a shared operator, by Mr. K. Fraser-Smith, editor and proprietor of the *Hongkong Telegraph*, for libel. The case was heard by the Acting Chief Justice (Mr. Fielding Clarke) Mr. G. J. Philippo, (instructed by Mr. Webber) prosecuted on behalf of the Attorney-General, and the defendant appeared in person, advised by Mr. Dennis, solicitor. The following jurors were empanelled:—Messrs. C. O. G. Heermann, E. F. Marx, J. S. Judah, J. Edgar, W. Gardner, J. Olsen, and C. H. Rogge.

The Deputy Registrar (Mr. Sangster) read the information filed by the Acting Attorney-General, setting forth the grounds of the prosecution.

He then asked the defendant—How say you guilty or not guilty?

Defendant—I am not guilty, my lord.

His lordship—Very well, I will take your plea.

Defendant—And I plead privilege, and I also say that all my statements were true in substance and fact.

His lordship—That is not available unless you file a written plea.

Defendant—I will do so now.

His lordship—I cannot receive it unless it is filed.

Defendant—I had no opportunity of filing it before.

His lordship—Oh! you had plenty of time. That plea is not sufficient in a criminal case, you must also plead that it was for the public benefit.

Defendant—So I do.

His lordship—I cannot receive that plea verbally; you had plenty of time; you have been advised by counsel whom you retained for your defence, and obtained an adjournment for a month and a further adjournment for two days.

Defendant—I retained counsel, but he went away directly afterwards without going into the case at all, and so far I am without assistance. I was advised that my plea in Court would be quite sufficient.

His lordship—You were not advised right, then. The defence of privilege will be available to you under the plea of "not guilty," but the defence of justification must be specially pleaded.

Defendant asked to be allowed to file that plea then.

His lordship thought an adjournment would be necessary, but, the prosecutor waiving his right to object, ultimately allowed it.

Mr. Dennis then wrote out the plea, which, his lordship returned as being merely a demurrer, and which required alteration. In the meantime he ordered the prosecution to file an answer. On receiving the defendant's amended plea he said:—"I really don't follow your reasoning, if you rely on it—that it was for the public benefit that your private character should be immediately vindicated."

Defendant—Surely it was as much for the public benefit as for mine?

His lordship—That your private character should be vindicated?

Defendant—That my letter should be published. It was stated in the paper that I was a liar. His lordship—I don't want to hear your argument now; if you are advised to file this plea you may do so when the case is called.

Defendant then filed the plea, and Mr. Philippo handed in the answer, which denied the plea, and after some alteration both were read, and admitted.

Mr. Philippo then opened the case for the prosecution. He said:—"The plaintiff in this case is Mr. Robert Fraser-Smith, who, as you know, is the editor, proprietor and publisher of the *Hongkong Telegraph*, and the defendant, Mr. Oscar Brandt, is a commission agent, carrying on business at 13 Praya Central. From the 1st of January, 1889, he has just heard from you that you have written a libelous article about him. It is a case of libel, and libel of a very defamatory kind. You will remember the case that was heard in the Supreme Court between P. T. F. Grimble and the defendant."

His lordship thought he could not assume that knowledge on the part of the jurors.

Mr. Philippo—The plaintiff published a comment on that case in his paper, and next day the defendant sent him a reply containing the libelous matter for which we are now prosecuting. It was as follows:—

MR. ROBERT FRASER-SMITH, Editor, *Hongkong Telegraph*.

Sir,—Having read your Leader in to-night's issue of your paper in which you shower most vituperative and malicious abuse over me under the guise of a Public Spirited comment on my recent case, I will make the following statement.

I, your delinquent, lie when you say that the case was a "Gambling case," well-knowing that my claim was a most just one, for the recovery of money wrongfully appropriated by the Defendant.

I, your pervert the truth in your description of the case in a shameful manner, distorting and corrupting the various facts proved in clear evidence in Court, in such a way as to make the whole features appear totally different and disadvantageous to me.

I, your knowingly and deliberately lie again when you devote a whole column of abuse to demonstrating that I never had the chance to take up the shares in a falling market, that I could never take them up, that I played a game of heads I win, tails you lose, &c., &c., knowing perfectly well from the evidence that I had purchased those shares to be delivered to a person who afterwards became a defaulter, &c., &c.

I, your infamously and cowardly comparing myself to "Weldons," your mean and totally untrue attacks on my past life, in vague and insinuating terms and other gross insults, shall not be left unpunished. I assure you.

So far my statements. You have dared to persecute me in your vile paper for years. I have hitherto ignored you on the principle of "Wer Pech angreift besudet sich," but I shall put a stop to this now. You have run to the end of your tether. I shall give you just one day to think over your misdeeds, but unless you publish in your Thursday's issue a most humble and straightforward apology, I shall find the way to convince you that the law of this Colony is well capable of awarding condign punishment to a wholesale reviler, malicious slanderer, and coward!

I must ask you to publish this letter at once in your next issue. If you refuse then I shall know that even the last spark of honor and manliness has left you.

Yours obediently,
(Sig.) O. BRANDT,
Praya Central, No. 13

Hongkong, 9th October, 1889.

He sent that letter early on the morning of the 10th October, in the absence of Mr. Fraser-Smith, and Mr. Fraser-Smith opened it. Not content with having sent it, he went down during the day to the Hongkong Hotel and read a copy of it to a gentleman who appeared in the bar. So careful was he to publish it, indeed, that he asked a gentleman to drink with him, and after inviting him into listening he left him—it was alleged at the Police Court—to pay for the drinks (laughter). He also went to the Victoria Hotel, and read it to a gentleman on the veranda there. He went, too, to Mr. Lang's shop, and read it. Proceeding to his wild career, he called at Messrs. Heusmann and Herbert's, and read it once more, so that as far as publication was concerned you will have little doubt. I see that you desire publication, or the existence of defamatory matter, or that he attacked the plaintiff's character in his capacity as a journalist and a citizen. That is a plea of justification. He must prove that every allegation in that letter is true, and that he wrote it for the public good. I shall not detain you further, but call the prosecutor.

THE PLAINTIFF'S EVIDENCE.

Mr. R. Fraser-Smith said:—I am a journalist, and am the editor, proprietor, and publisher of the *Hongkong Telegraph*, a newspaper registered in this Colony. On the evening of the 9th October I went to Macao, returning next night. When I got home my wife handed me a letter which she had received that morning. I read it. It is the letter produced. I thought it the most insulting I had ever read. The next day I went down town and looked for the defendant all day, but could not find him. I was very much excited. I then took legal advice, and instituted criminal proceedings. I found that he had been reading his letter in public places in the Colony. I was decidedly that that it injured me in the minds of the public, and was calculated to cause a breach of the peace if I had met him.

Defendant—You are the sole proprietor and editor of the *Hongkong Telegraph*?

Plaintiff—Yes.

So you are a man in a prominent position?

Yes.

The eyes of the public are on you, and on your writings?—I assume that to some extent they are.

You say you are a journalist—how long have you followed that vocation?—Oh and on, about twenty years.

Then you were one before, you came to this colony?—Oh yes.

Did you publish a paper at home?—Never.

In what capacity were you a journalist?—As a writer.

Not a reporter?—Never.

How long have you been editor of the *Hongkong Telegraph*?—Since June 1881.

How many times have you been prosecuted for libel, both criminally and civilly?—I have been prosecuted for libel, I think, three times.

Not more?—I believe not.

And civilly?—I think I have had two civil actions brought against me.

How many times have you been convicted, and lost your cases civilly?—I lost one criminal action.

And you were imprisoned for it?—Yes, I was imprisoned.

How often have you lost civilly?—Twice, and nominal damages were recovered in both cases. In *Wicking versus myself*.

How much was recovered in that case?—\$250.

Is that nominal damages?—Yes.

What were they laid at?—\$1000.

And in the Bulgin case how much?—\$100.

What were they laid at?—\$1000.

Have not you repeatedly said in your paper that the case of Wicking cost you over \$500?—I think it is very likely I have. It cost me exactly \$813.50.

The balance was for lawyers' expenses?—Yes.

How many times have you made statements in your paper which were libellous, and you were not prosecuted?—Oh, that is too much to ask (laughter).

His lordship—This sort of cross-examination is needless.

Brandt—I shall refer to myself, my lord. (To plaintiff.) How many times have you abused me?

And reprint it in your Mail issue?—I really don't know.

It refers to me?—It speaks for itself. And you dare to call me a "welscher"?—I am prepared to maintain the truth of every allegation in that article.

You dare to say I obtained money under false pretences?—That is about the inference to be drawn.

Say "Yes" or "No"—Yes, decidedly yes.

You mean to say I obtained money under false pretences from Mr. Grimble?—I do not.

You have sworn to it—I said what I said, and no doubt his lordship said it down.

His lordship—I took it that you did not get the money. But you had better repeat the question.

Defendant—You accuse me of obtaining money under false pretences by a trick—I accuse you of buying shares "on time" for which you could not pay unless they went up in the market.

Answer "Yes" or "No." Did you accuse me of trying to get money by a trick, by buying shares for which I could not pay?—(No answer).

You accuse me of being a "welscher"—No, I drew an illustration which places you in reality in the same position as a "welscher" on a race-course. I said you were a "welscher" on the "Kialta."

And that I should be ducked in a horse-pond and so on?—I think you deserve it, if you ask my opinion.

Are you quite aware what "welscher" means?—Thoroughly.

Just as you put it down in the paper?—Exactly.

What is the legal definition of a "welscher"?—I am not here to give legal definitions, but to answer questions.

It is one who obtains money by trickery?—Exactly; "welscher" is a fraudulent bookmaker, who bets when he has not money to pay if he loses, the same as you in your share business, when you could not pay if the market went against you.

Did you not give us a legal definition at the Police Court?—His lordship—As far as I am aware there is no legal definition.

Plaintiff has quoted one to show that it was a man who got money by fraud.

His lordship—No, you are wrong.

Defendant apologised—his lawyer was away.

His lordship—Mr. Denys is assisting you, leave it to him.

NO APOLOGY.

(Defendant to plaintiff) Did not I ask you in my letter to apologise humbly and straightforwardly?

Plaintiff—Apologise to you? No, certainly shall not!

JUSTIFICATION.

You wrote this paragraph on the 25th September: "The share dealing case of *Brandt v. Grimble*, partly heard before Mr. A. C. W. Acting Puisne Judge, in the Summary Court yesterday, will require some criticism later on. At present we can only carefully peruse the evidence and smile serenely."—You say you took particular notice of the evidence?—I presume so.

Will you point out where my "swindling" came in, as shown by the evidence?—No.

You won't?—I don't think it is my business to do that—I am here to answer questions.

I shall put in your report of the case.

His lordship—I cannot take a newspaper report.

Defendant—It is not a full report—it is garbled.

Plaintiff—It is a summarised report.

Is it substantially true?—Yes. The article was based on that report.

His lordship—And on that solely?—Yes.

Defendant handed up the two papers containing the proceedings on the 24th and 28th September, and said—Will you please point out where anything in the shape of swindling comes in?

Plaintiff—Am I called upon to answer?

His lordship thought it was a fair question. But the term "swindling" could not be used.

Defendant—Obtaining money by fraud—"welscherism."

Plaintiff—in summing-up Mr. Justice Wise said "there was evidence before him that about the 27th August plaintiff distinctly gave the defendant notice that he did not intend to take the shares."

His lordship—Is that a justification of your assertion that he was a "welscher"?

Plaintiff—Oh no; that was based on private opinion.

His lordship—You said it was solely based on that report.

Plaintiff—Supported by outside evidence, of course. It goes right through it; the whole tenor of the evidence proves that this man bought shares which he had no chance of taking up.

Defendant—Then you go and write a long leader, and yet cannot point out a single place in this report where the charge of being a "welscher" comes in?—I have already justified the illustration which I used.

His lordship—I understand that you base your leader on the information shown in your own reports and those of the other papers, in which there may possibly be fuller reports? In the *Daily Press* there is.

Defendant—You have pointed out something—Mr. Justice Wise saying that I repudiated the contract?—Yes.

Have you been told anything that would show that I refused to pay the "difference"—that I repudiated my liability?—You distinctly gave notice that you would not take the shares up.

Did I ever say I would not pay the "difference"?—I don't know.

Does the evidence show that I paid it?—No.

Does it not show that Grimble had a very ample amount of my money in his hands to pay any possible difference—some \$3,000, on the 31st August?—I have not seen it.

His lordship—All this is placing the jury at a great disadvantage. Remind you of your justification, and then come here and examine on this? Pray remember that I have never read this case. If you were going into the evidence you should have got the judge's notes.

Defendant—I was told I could not—they were his own property. I shall get evidence on the point in other ways.

His lordship—You come here into Court thoroughly unprepared, and put this pleading in at the last moment, when you might have put it in a month ago.

Defendant—The plaintiff had ample notice of this. I gave notice several times that I was going to prove my letter, and I was continually stopped by the Magistrate.

His lordship—He was quite right to stop you. Defendant—Irrespective of these reports what did you go on when you charged me with this offence?—I have charged you with no offence.

Well, when you wrote this leading article?—On the proceedings in Court.

Nothing else?—Yes, on private information. What might that be?—I made private inquiries of several brokers.

Who were they?—I inquired of Toog and Gubbay and Mr. Danby, and very possibly of a great many more.

Whom you don't know—And Mr. Webber gave me information.

What?—I do not exactly remember.

What information did they give you?—I don't remember the words, but it was enough to make me believe that you had bought certain shares and then tried to repudiate them, and were trying to swindle the brokers out of their brokerage.

Where did you derive your information about my buying shares and having no money to pay for them?—From the newspaper reports.

His lordship—It does not necessarily follow that it was an actual repudiation—a man may repudiate without being a swindler.

Complainant—I knew that he had bought shares far beyond—ten, twenty times, beyond his means.

Defendant—Do you say on your oath that it was impossible for me to have taken up all the shares?—Quite impossible.

Here are the reports in the *China Mail* and *Daily Press*. Point out where I repudiated my liability to pay any difference—here is one instance—"Don't you remember my saying you could carry them over till the end of September or sell them at my risk, but that I would not take them?"

Well, what is the meaning of that?—I take it that you repudiated them.

Did I repudiate my liability to pay any difference?—There is nothing here to show that you said you would. You simply said you would not take them up.

"To sell them at my risk," what does that mean? You ought to know, you are an accountant—You repudiated the risk here.

Complainant, at his lordship's suggestion, set out as the test report that in the *China Mail* and his lordship read it to the jury.

Defendant—Were you not present in Court during the hearing?—I heard the Judge sum up.

You were here when I addressed the Judge?—During a portion of the time.

And my address to the Judge is referred to in the leader. You say it was "sufficient to make an allegation of fraud" (laughter).

Now, being a foreigner, perhaps I don't quite understand that; do you mean you were an alleged? It may be a want of knowledge of the English language on my part—it was intended as a little witicism at your expense.

At this point the Court adjourned for fifteen minutes.

Defendant asked plaintiff if he was not aware that the shares involved should have been delivered to Mr. Benjamin?—I do not know.

You know that Benjamin became a defaulter?—I don't know him.

You sold him some shares at the end of August?—I do not know him.

You sold him them on time?—One month wasn't it? One month, or two months, I forget now. They were guaranteed by Mr. Andrew, my broker.

Will not you swear that he could not take them up?—I was informed by someone of that, and looked to Mr. Andrew for payment.

Mr. Phillippe's object—all that had nothing to do with the case.

Complainant—I did not base my criticism on Benjamin's part in the case—I didn't even know he was in it.

His lordship—He also says that he knew nothing of your share transactions; isn't that enough for you, Mr. Brandt?

GRIMBLE.

Defendant—Well, you wrote a long leader about it, didn't you? Did you know Mr. Grimble?—Yes.

How old was he?—25 or 27, I should say.

His lordship—We are not concerned with Grimble's character.

Defendant—I am charged with swindling a boy.

His lordship—I don't think so.

Complainant—He is charged with nothing of the sort.

His lordship (after reading the leader)—I do not see that it is suggested by the article.

Brandt—He says "Grimble is comparatively speaking, a mere lad—a Hongkong-bred youth, who, spoiled from his infancy upwards, imagined that the whole ability and smartness in the colony was concentrated in his own person."

He is a married man, isn't he?—Yes.

He held a responsible position as a book-keeper of a Company—of several companies, in fact?—I do not know about that; I do know of the Dock Company.

He was an extensive operator on the share market?—He had that reputation, and of being one of the most successful.

He won about \$200,000 on the share market?—On paper, about half that, I believe.

AN OLD LETTER.

I must again refer you to that letter of the 10th December, 1883.

His lordship—For what purpose?

Defendant—To show the commencement of his personal animosity against me. I want to show animosity.

Mr. Phillippe—I have no objection, though it is marked "Private."

The Deputy Registrar then read the letter, which was as follows:

Hongkong Telegraph,
10th December, 1883.
(Private)

DEAR BRANDT—As you doubtless have already heard, I got out of my libel case with flying colours. I shall be glad to have Old Fiddle as soon after Fochow Races as you like.

It would be as well to let him have a fortnight's rest after his arrival, considering the time he has been in training. You can let me have one more pony if you think good enough, but you must decide that yourself after you are here. I should, in consideration of one-half of the old moke's winnings, reserve the right to claim you to ride Second Violin when required, unless, of course, you had a special reason for riding something in your own stable, presuming that you have a stable. There has been some talk about your coming down here, and I have heard ugly words said about you more than once. You have some enemies, but they can do nothing, and whatever may happen you can rely on my doing nothing to harm you. I felt very bitterly against you last Spring—not without cause. But, however, that is all past and gone, and I am not the man to cherish a life-long animosity, or to injure anyone maliciously. I mention this so that you need not be afraid to make whatever arrangements you think proper with any other person in Hongkong. But I must have "Old Fiddle." You will be glad to hear that at least two of my sub-griffins are flyers. All being well, I shall be with them this time. I hope you will win a lot of races at Fochow. Chatter's ponies, and Nickels came down on Saturday—Reef, Sunlight, Horn-pipe, Montezuma, Newmarket, Rose, and about six or seven griffins.

Yours in haste,

R. FRASER-SMITH.

Defendant—Do you admit that letter?—Yes. You have already said you did not get "Old Fiddle," as you called Second Violin?—Yes.

This letter is a friendly letter, isn't it?

His lordship—It speaks for itself.

Plaintiff—I should hope it.

Defendant—Now have I ever had any intercourse whatever, either on business or privately, with you since that letter?—Yes.

When?—When you came down from Fochow last year.

What was it?—The usual friendly intercourse. I had a little talk with you, as which, as I wrote then, I was quite willing to overlook. I did not want to bound down even you.

Have you got Second Violin?—I did not want him after I saw him. He died down here, I am sure you were when he died?—Yes.

Are you aware that he died of poison during the Races?—No.

Did he die during the Races?—Yes, on the last day. I will tell you why he died through-

your riding him when he was not fit to walk. It broke his neck, and he died.

You say there was a little barrier between us?—Yes, and worse than that.

Worse than that?—Then I was a double so-and-so. Yes, and worse than that.

Then I was a treble so-and-so?

His lordship—No, we mind that.

Defendant—After that we had no intercourse no personal association of any kind?—You called on me once after you were convicted in the Police Court of a blackguardly assault on Mr. Nickels, and you called with Dr. Ruegg after the *Yotai* explosion in 1884, and wished me to let bygones be bygones. You wanted me to help you in your trouble with the Race Club.

You got blown up in the *Yotai*?

His lordship—What has that got to do with it?

Defendant—There was no animosity on my part. (To plaintiff) You were badly hurt, and people thought you were going to die? You thought so yourself, didn't you?—No, I never did.

Well, I called on you, and asked you to make up old things?—Yes, you called with Dr. Ruegg and asked me to help you about the Jockey Club trouble.

And you received me in a friendly spirit?—Very friendly.

And a month afterwards one of these atrocious libels appeared in your paper, calling me all sorts of names?—I don't admit anything of the kind.

A DIVERSION.

You quite omitted to give me an explanation of the phrase about the alligator.

His lordship—You mean what your remarks were to call for it. It requires no explanation in itself.

Defendant—It may be a something very enormous. I have heard of "crocodile's tears" but never of his laughter (laughter).

His lordship—The laughter comes first, and then the tears (renewed laughter).

Defendant—Now you said that on the evening of the issue of your paper of the 9th October you went to Macao?—Yes. I left about six o'clock.

And the paper was issued about the same time?—Between six and seven.

Do you recollect that you had a libel case against Mr. Brandt?—He prosecuted you some weeks ago criminally?

And it so happened that on that occasion you were at Macao, too?—Yes, very singularly.

Yes, very strange—Well, not so very strange. And about a week ago you had a libel case against a very strong paragraph about Mr. Berkeley in your paper, for which you afterwards apologised?—Then, again, you were at Macao?—Very singularly, I was.

His lordship—Perhaps Mr. Fraser-Smith goes to Macao often?

Defendant—I have used the word "coward," and I have got to justify it in some way.

Plaintiff—Oh! I see you think I ran away? That is just about it.

THE "HONGKONG TELEGRAPH."

Your paper has got a very wide circulation?—The largest of any English paper in China.

Now, being the editor and proprietor of such a widely-circulated paper, doesn't it strike you that you have a weapon of defence in your hands which is denied to another?

His lordship—You can tell that to the jury as a matter of comment—it only lengthens the inquiry.

Defendant—Are you not aware that both the *Daily Press* and *China Mail* editors point-blank refuse any communications respecting yourself or your paper?—That is simply untrue; they extend the same courtesies to my journal as to any other—the recognised courtesies between newspapers.

Don't they refuse to put anything in from any correspondents which in any way reflects on your actions or conduct in any way?—That is quite untrue—I was complainant in a libel suit brought against the editor of the *China Mail* for something published about myself only a few weeks ago.

But that had nothing to do with his paper, it was simply comment?

His lordship—Never mind that. How can he know what the other editors do?

Defendant—It is a matter of notoriety. His lordship—I shall stop the questions as they are put if you do so in this way; I am willing to give you every latitude.

Defendant—I only asked that to show that there is no remedy for anyone who is attacked.

His lordship—That is a matter of comment.

Defendant—We cannot defend ourselves—the other papers are closed to us. (To plaintiff) When you have heard the comment in this case you had already received my writ against you for damages against you in the Civil Court?—Yes, I had.

A COOL SUGGESTION.

Now when you write your articles you are not very particular in your expressions against persons or institutions, are you?

His lordship—You must expect him to answer that question. Call his attention to any article you rely upon.

Defendant—I want to show that he is a "wholesale reviler."

His lordship—Well, produce an article, and show it to him.

Defendant—If he would admit it, it would save time (laughter).

His lordship—As I told you before, this course of cross-examination does not carry you a step further, unless you are in a position to prove that it is libel.

HIGH TREASON.

Defendant—Suppose he calls the Prince of Wales "Tummy" (loud laughter), or Her Majesty "Queen" (loud laughter), or "Gosh," receiving her seven millions from "the old working British public"—have I to prove libel in that? (renewed laughter). When he talks of the "Boulevard Coom-up-my-luv," and goes into disgusting details of the doings of prostitutes.

His lordship—All these things do not carry you a step further, and you have taken all the morning at it. Do go on.

DEFENDANT'S INSTANCES.

Defendant handed in an article on "Brownie," dated the 19th September, and asked who was meant by "Brownie"?

Complainant—He is a hydra-headed personality, whose identity has not been determined (laughter).

His lordship again protested against this line of cross-examination.

Defendant—I have said it is a "vile paper," and I want to prove it. He then handed in a ludicrous account of a police court case in which two of *Old Fiddle* were involved, and it was read amid general laughter.

His lordship—You have to show that your letter is true in substance and in fact.

Defendant—I think I only need another instance to show that this paper is a "vile paper."

No decent paper would reveal in filth that.

His lordship—I think the best thing will be to admit the whole story. Mr. Fraser-Smith, add your defendant can comment on the articles to be published by you.

Plaintiff—Yes.

Defendant then handed up a paper of the 27th June last, containing a reference to Mr. Libbeck, of Shanghai, and asked the plaintiff if he knew that gentleman?—Except from his part in the *Wicklow* case.

Plaintiff replied that he knew him before, as for the last six months after the *Wicklow* case.

started he was a partner of the firm who printed the paper.

Defendant—He gave evidence against you?—Only technically evidence.

You say here, "he lied for the other side"—I did not. If you can't read English I cannot help it.

How many years ago was Wicklow's case?—About eight.

And Libbeck was only with you six months, yet you remember him?—Why should I forget an old friend?

Who lied for the other side, and made you lose the case?—You make a mistake—it was de Souza who lied, not Libbeck.

Mr. Murray-Bain gave evidence against you, too, didn't he?—Yes.

And ever since you have rather severely criticised him, haven't you?—I don't know that I have.

You called him a "lying scoundrel," didn't you?—I never did.

And a *Fried Fish Wrapper* man? I have called him a paper that.

His lordship—That is only ridicule, you know.

Defendant—I suppose I need not read any more extracts—I understand I may use them in addressing the jury?

His lordship—But it does not follow that I shall, in fact, I shant.

BRANDT DOESN'T BOX.

Defendant—Are you aware that I was never a prize-fighter in my life?—No.

Do you know that I was?—No.

Do you remember, on the 23rd February, 1886, referring to a suit brought against me, and saying that the disclosures were "most damaging," and that the Crown Prosecutor had been already informed—meaning that a criminal information had been laid against me?—Yes.

Was any information laid against me in the matter?—I don't know anything at all about that; I simply published an item of news and commented upon it.

Do you know who gave you the information?—I do not.

Wasn't it Mr. Bidwell?—I should say not—decidedly not. I rather fancy it was Mr. Caldwell.

Are not you aware that no information was ever laid?—I am not aware of anything.

Was the case ever proceeded with?—No, we should have heard of it if it had. It was probably "squared."

That concluded the cross-examination.

Mr. Phillippe—After all, let me ask you—Have not you for some time past been writing articles on gambling in

